

BINGHAM McCUTCHEN

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	NAME	FAX	PHONE
TO	Examiner Patricia Bex Commissioner for Patents - USPTO - Art Unit 1770	(703) 872-9311	(703)306-5697

FROM	Maritza D. Kidd maritza.kidd@bingham.com	(650) 849-4800	(650) 849-4481
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PAGES (INCLUDING THIS COVER PAGE): 6

RE SN. 09/156,952 - NOTICE OF APPEAL

Bingham McCutchen LLP  
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94303-2223

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Washington

**Message:**

Serial No. 09/156,952 - Filed 9-18-1998  
Inventor: Roy Ostgaard, et al

I hereby declare that the enclosed **NOTICE OF APPEAL** (2 pages) for the above identified application, along with a power of attorney (2 pages) and a fax report with certificate of facsimile transmission dated 12/10/02 (1 page) were transmitted to the USPTO fax number (703) 872-9311 on **December 10, 2002**.

Also enclosed, the transmission report dated 12-10-02 that shows that the facsimile with Notice of Appeal and power of Attorney were successfully transmitted to the USPTO on 12-10-02. Please consider the referred Notice of Appeal as timely filed. Respectfully submitted

  
Maritza Kidd December 17, 2002

**Enclosures:**

Notice of Appeal (2 pages)

Power of Attorney (2 pages)

Fax transmittal with certificate of facsimile transmission and transmittal report on 12/10/02 (1 page)

*For transmission problems, please call (650) 849-4825***Caution - Confidential**

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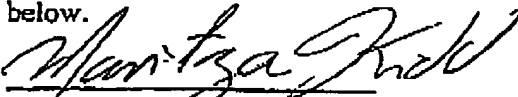
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RE Notice of Appeal for SN. 09/156,952

Message:

PLEASE DELIVER TO EXAMINER PATRICIA BEX  
Re: US Application Serial No. 09/156,952  
Filed 9/18/1998  
Inventor: Roy Ostgaard, et al

I hereby certify that a Notice of Appeal with authorization to charge fee to deposit  
account (2 pages); and power of attorney by assignee (2 pages) are being facsimile  
transmitted to the United States Patent and Trademark Office on the date shown  
below.

  
Maritza Kidd

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PATENT  
Docket No. CYM-025  
24738-7003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Roy Ostgaard, et al

Serial No.: 09/156,952

Filed: September 18, 1998

For: SAMPLE VIAL FOR USE IN  
PREPARING CYTOLOGICAL  
SPECIMEN

Group Art Unit: 1770

Examiner: Patricia Bex

## Box Appeal

Commissioner for Patents  
Washington, D.C. 20231NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated September 11, 2002 of the Examiner rejecting claims 1-8, 10 and 12-26.

The items checked below are appropriate.

- ☒ Appeal Fee:
- ☒ Large Entity Fee of \$320.00; or
- ☐ Small Entity Fee of \$160.00.
- ☐ Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- ☐ Petition for Extension of Time (3 mos.)
- ☐ Petition for Extension of Time Fee
- ☒ Return Postcard.

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. § 1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number (703) 872-9311 addressed to the Commissioner for Patents, Washington, D.C.

December 10, 2002

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- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189. *A duplicate copy of this sheet is enclosed.*

Respectfully submitted,  
BINGHAM McCUTCHEN LLP

Dated: 12-9-02

By: David T. Burse  
David T. Burse  
Reg. No. 37,104



23639

PATENT TRADEMARK OFFICE

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